

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL MEMORANDUM**

**HB 1489 – SB 1495**

February 14, 2018

**SUMMARY OF ORIGINAL BILL:** Prohibits any person under the age of 18 from using a tanning device in a tanning bed facility.

FISCAL IMPACT OF ORIGINAL BILL:

NOT SIGNIFICANT

**SUMMARY OF AMENDMENTS (012669, 012855):** Amendment 012669 deletes all language after the enacting clause. Prohibits any person under the age of 16 from using a tanning device. Requires persons between ages 16 and 18 to be accompanied by a parent or legal guardian that is required to provide photo identification, proof of guardianship, if applicable, and sign a warning statement issued by the Department of Health (DOH). Authorizes persons between ages 16 and 18 to use tanning devices on subsequent visits if signed warning statement remains on file with tanning facility.

Amendment 012855 specifies that the prohibition of any person under the age of 16 from using a tanning device applies to devices at tanning facilities.

**FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENTS:**

**Unchanged from the original fiscal note.**

Assumptions for the bill as amended:

- Under current law, Tenn. Code Ann. Title 68 Chapter 117, known as the Tanning Facility Control Act of 1990, individuals under the age of 14 are required to be accompanied by a parent or legal guardian that signs a warnings statement and statement of relationship with the child. Individuals between the ages of 14 and 18 are permitted to use tanning beds in tanning bed facilities when accompanied by a parent or legal guardian that signs a warnings statement or provides a notarized statement signed by a parent or legal guardian that gives consent of use and states the relationship and a signed warnings statement.

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- Pursuant to Tenn. Code Ann. § 68-117-102, “tanning device” means any equipment that emits radiation used for tanning of the skin.
- Based on information provided by the Department of Health, departmental operations will not be significantly impacted; therefore, any fiscal impact to the department is estimated to be not significant.
- Based on information provided by the Department of Commerce and Insurance, prohibiting tanning device use prior to age 16 may result in fewer complaints filed to the Division of Consumer Affairs; however, any decrease is estimated to be minimal and any fiscal impact is estimated to be not significant.
- Consumers under the age of 16 will shift spending to tanning device alternatives; therefore, any impact on state and local tax revenue is estimated to be not significant.
- Pursuant to Tenn. Code Ann. § 68-117-105, any violation of the Tanning Facility Control Act of 1990 constitutes a Class B misdemeanor punishable by a fine not to exceed \$500.
- Any change in local government fine revenue resulting from a change in the number of violations is estimated to be not significant.

#### **CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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